Datatreasury Corporation v. City National Corporation et al Doc. 2

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION *PLAINTIFF* vs. WELLS FARGO & COMPANY; WELLS FARGO BANK, NATIONAL ASSOCIATION; BANK OF AMERICA CORPORATION; BANK OF AMERICA, NATIONAL ASSOCIATION; U.S. BANCORP; U.S. BANK, NATIONAL ASSOCIATION; WACHOVIA CORPORATION; WACHOVIA BANK, NATIONAL ASSOCIATION; SUNTRUST BANKS, INC.; SUNTRUST BANK; BB&T CORPORATION; BRANCH BANKING AND TRUST COMPANY; BANCORPSOUTH, INC.; BANCORPSOUTH BANK; COMPASS BANCSHARES, INC.; COMPASS BANK; CULLEN/FROST BANKERS, INC.; THE FROST NATIONAL BANK; FIRST HORIZON NATIONAL CORPORATION; FIRST TENNESSEE BANK, NATIONAL ASSOCIATION; HSBC NORTH AMERICA HOLDINGS INC.; HSBC BANK USA, N.A.; HARRIS BANKCORP, INC.; HARRIS N.A.; NATIONAL CITY CORPORATION; NATIONAL CITY BANK; ZIONS BANCORPORATION; ZIONS FIRST NATIONAL BANK; BANK OF NEW YORK CO., INC.; THE BANK OF NEW YORK; UNIONBANCAL CORPORATION; UNION BANK OF CALIFORNIA, NATIONAL ASSOCIATION; BANK OF TOKYO-MITSUBISHI UFJ, LTD.; CITIZENS FINANCIAL GROUP, INC. CITY NATIONAL CORPORATION; CITY NATIONAL BANK; COMERICA INCORPORATED; COMERICA BANK & TRUST, NATIONAL ASSOCIATION;	§ §	Civil Action No. 2:06cv72 Civil Action No. 2:06cv165 JURY TRIAL DEMANDED

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DEUTSCHE BANK TRUST COMPANY AMERICAS; FIRST CITIZENS BANCSHARES, INC.; FIRST CITIZENS BANK & TRUST COMPANY; KEYCORP; KEYBANK NATIONAL ASSOCIATION; LASALLE BANK CORPORATION; LASALLE BANK NA; M&T BANK CORPORATION; M&T BANK; THE PNC FINANCIAL SERVICES GROUP, INC.; PNC BANK,NATIONAL ASSOCIATION UBS AMERICAS, INC.; SMALL VALUE PAYMENTS COMPANY, LLC; THE CLEARING HOUSE PAYMENTS COMPANY, LLC; MAGTEK, INC; FIRST DATA CORPORATION; TELECHECK SERVICES, INC., REMITCO, LLC and ELECTRONIC DATA SYSTEMS CORP.	§ § § § § § § § § § § § § § § § §	
	§	JURY TRIAL DEMANDED
DEFENDANTS	§	

PLAINTIFF DATATREASURY CORPORATION'S RESPONSE TO DEFENDANT CITY NATIONAL CORPORATION and CITY NATIONAL BANK'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, OR IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT

Comes now Plaintiff DataTreasury Corporation ("DataTreasury") and files its Response to Defendant City National Corporation and City National Bank's Motion to Dismiss for Failure to State a Claim, or in the Alternative, for a More Definite Statement. Also pending before this Court is Plaintiff's response to Defendant City National Corporation and City National Bank's Motion to Dismiss for Lack of Personal Jurisdiction. This response only serves as a response to Defendant's Motion to Dismiss for Failure to State a Claim, or in the Alternative, for a More Definite Statement.

DataTreasury respectfully requests that this Court deny City National Corporation and City National Bank's Motion in its entirety. In support thereof, DataTreasury incorporates, in its entirety, its Response to Defendants' Various Motions to Dismiss, or in the Alternative for More Definite Statement and the arguments and authorities cited therein filed on June 14, 2006 and attached hereto collectively as Exhibit "1."

Respectfully submitted,

/s/ R. Benjamin King

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's electronic filing system on all counsel who have consented to electronic service on this the 23rd day of June, 2006.

/s/ R. Benjamin King
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